

REMARKS

Applicants appreciate the statement by the Office that claims 1-39 are allowed over the prior art. These are all of the pending claims.

Claims 2-5, 15, 17 and 19-39 are rejected under 35 U.S.C. §112, second paragraph, and claims 2-5, 15 and 29 are rejected under 35 U.S.C. §112, fourth paragraph.

Concerning the statements made on page 3 regarding claims 2 and 29, the first clauses of claims 2 and 29 are amended to read:

The composition of claim 1, when ingested by a hypercholesterolemic individual at a level of at least about 0.4 grams of said composition per kilogram of body weight per day for at least about six weeks, reduces the LDL cholesterol level ...

Support for this revision is found in claim 26 and in example 16 of the present application, especially paragraphs [0112], [0116], [0117], [0121], [0122] and [0123]. In addition to answering these §112 second paragraph rejections, this Amendment is respectfully believed to answer the §112, fourth paragraph rejection with respect to claims 2-5, 15 and 29, with all but claim 29 being ultimately dependent upon currently amended claim 2 and amended in a manner consistent with these claim revisions.

In the last full paragraph on page 3 of the Office Action, observations are made with respect to claims 3-5, 23-25 and 30-33. Each of these claims is ultimately dependent upon presently amended claim 2 which recites a dose level. Claims 2 and 3 also are amended to switch the percent recitations, which it is

believed are more suitable since claim 3 is dependent on claim 2.

Claims 15 and 37, which incorporate substantially identical wording, are addressed in the paragraph common to pages 3 and 4 of the Office Action. Claim 37 is cancelled and claim 15 is amended in order to be consistent with claim 2 from which it depends. It is respectfully understood that these changes fully respond to this matter.

Claims 17 and 38 are discussed in the first full paragraph on page 4 of the Office Action. Each of these claims is amended to add "when used in food and when evaluated by a trained sensory panel" to the end of each claim. This is respectfully believed to answer this matter.

Claim 19 is amended by deleting the clause noted in the discussion of this claim on page 4 of the Office Action. It is respectfully understood that this amendment obviates this matter.

Claim 22 is amended in a manner suggested by the Office in the paragraph common to pages 4 and 5 of the Office Action.

The present claim amendments are respectfully believed to answer all of the matters raised under the second and fourth paragraphs of §112. Reconsideration and withdrawal thereof are respectfully requested, as is the allowance of all of the claims remaining in the present application, namely claims 1-36, 38 and 39.


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Applicants look forward to an indication that all of these claims are allowed. If not, a telephone discussion of same with applicants' attorney is respectfully requested.

Respectfully submitted,

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